

Town of Big Flats, Chemung County
APPLICATION FOR HAWKER, PEDDLER OR SOLICITOR LICENSE
Local Law 8, 2001

Date: _____

Name of Applicant: _____ Phone number: _____

Address: _____

Agent/Business Name: _____ Phone Number: _____

Address: _____

Location where you will be soliciting: _____

Merchandise description: _____

Services to be rendered: _____

Length of Time : Dates _____ Time: _____

Method of Distribution:

Number of vehicles involved: _____

License plate number: _____

Number of employees: _____

Name: _____

Address: _____

Name: _____

Address: _____

Insurance carrier and address: _____

Fees: \$25.00/Year, expires January 1st

\$ 10.00/each additional employee

\$ 10.00/ each additional vehicle

DATE APPROVED: _____

APPROVED BY: _____

We require a copy of your license, registration, as well as a Certificate of Liability which lists the Town as an additional insurer with a minimum amount of coverage (Public Liability) of \$1,000,000.00

Chapter 5.12

**PEDDLERS, SOLICITORS, CIRCUSES
AND EXHIBITIONS**

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5.12.010 License required.

No person shall within the town act as a *hawker, peddler* or solicitor, or present or cause to be presented, any circus or exhibition without first having obtained a *license* and having the same in force and effect as herein-after provided. (LL No. 8, 2001 § 1)

5.12.020 Exemptions.

Nothing in this chapter shall be held to apply to:

A. Any sales conducted pursuant to statute or by order of any court;

B. To any person selling *personal property* at wholesale to dealers in such articles;

C. To merchants having an established place of business with the town or their *employees* for soliciting orders from *customers* and delivering the same;

D. To farmers and truck gardeners, who themselves or through their *employees*, vend, sell or dispose of products of their own farms and gardens;

E. To any honorably discharged soldier, sailor or marine who has procured a *license* as provided by the General Business Law of the state of New York;

F. Berry pickers who sell berries of their own picking;

G. To persons collecting for any bona fide charitable organization as determined by the *town board* or town clerk;

H. Unlawfully interfere with interstate commerce. (LL No. 8, 2001 § 2)

5.12.030 Licenses for circuses or exhibitions.

Any person desiring to have a *license* shall file with the town clerk a written *application* setting forth the following minimum information:

A. The name and business address of the person owning the circus or exhibition;

B. The name of the person who is to be in charge of the circus or exhibition while the same is performing in the town and information as to where he may be contacted by telephone;

C. The name and address of the person with whom is carried the public liability insurance and the minimum amount of such *coverage* as required under this chapter;

D. The location at which said circus or exhibition is to be given and the length of stay thereof. (LL No. 8, 2001 § 3)

5.12.040 Licenses for hawkers, peddlers and solicitors.

Any person desiring to have a *license* shall file with the town clerk a written *ap-*

plication setting forth the following minimum information:

A. The name, resident and business address of *applicant*;

B. The name, resident and business address of the principal, if *applicant* is agent, including the names and address of all partners; if a partnership and the names and addresses of the principal officers, if a corporation; and the name and address of a person upon whom a legal notice may be served;

C. A general description of the merchandise to be sold or the kind of *service* the person desires to render;

D. A general description of the method of distribution to be *used* and if vehicles are involved, the name and address of *owner* together with registration information;

E. The length of time that the *applicant* expects to be making local distribution and the names and address of all solicitors, *hawkers* and *peddlers*;

F. The name and address of the person with whom is carried the public liability insurance and the minimum amount of such *coverage* as required by this chapter;

G. Such other information as the town clerk may reasonably desire. (LL No. 8, 2001 § 4)

5.12.050 Issuance of licenses.

Upon payment of the fees as set forth in this chapter, the town clerk shall issue the *license* applied for unless it shall appear from the *application* or other information that:

A. The *applicant* has not complied with this chapter or other applicable statutes, chapters and laws applying to the *applicant*;

B. The protection of the public safety, health, morals or general welfare of the community may be adversely affected;

C. The *town board* has, by resolution duly adopted, notified the town clerk not to issue such *license*;

D. The *applicant* is a person under eighteen (18) years of age.

E. That the *applicant* has been refused a *license* or has had a *license* revoked and a period of at least six months has not elapsed since the last rejection or revocation date. (LL No. 8, 2001 § 5)

5.12.060 Vehicles.

Such *license* shall give the licensee the right to use only one vehicle in carrying on the business for which he is licensed. For each additional vehicle so used by him or her, an additional fee, as established by the *town board*, by resolution, shall be paid, in which event, the *license* shall state the number of vehicles permitted to be used. Vehicles used by the licensee shall:

A. Be kept in a clean and sanitary condition and the food stuffs and edibles offered for sale shall be well covered and protected from dirt, dust and insects;

B. Not stop or remain on a cross walk or in a road intersection. (LL No. 8, 2001 § 6)

5.12.070 Employees.

A licensee may employ an unlicensed person to assist in selling and delivering his wares but such unlicensed person shall so act only while accompanying a licensed *peddler*, *hawker* or solicitor. If the licensee is a corporation, the corporation may employ two unlicensed persons to assist in selling and delivering its wares, and such corporation shall pay an additional fee as established by the *town board*, by resolution. (LL No. 8, 2001 § 7)

5.12.080 Expiration.

Such license shall automatically expire on January 1st following the date of issuance of such license. However, such license may provide for an earlier expiration date. (LL No. 8, 2001 § 8)

5.12.090 Fees.

The license fee shall be set by the town board by resolution and be reviewed annually at the town's organization meeting or at any other such time that the town board deems appropriate. The license shall not be in effect until the fee has been paid to the town clerk and the clerk's receipt. (LL No. 8, 2001 § 9)

5.12.100 Insurance.

Prior to any license being issued pursuant to this chapter, the applicant shall submit and file with the town clerk a certificate of insurance, or like document evidencing the existence of a valid general liability insurance policy issued in the name of the applicant and under which the town is listed as an additional insured. The limits of such policy shall not be less than one million dollars (\$1,000,000.00) unless a lesser amount is approved by the town board and the attorney for the town for good cause shown. (LL No. 8, 2001 § 10)

5.12.110 Revocation of licenses.

Upon the refusal of the town clerk to issue a license to any applicant or upon the determination of the town board that any license should be revoked, the procedure prescribed in Section 137 of the Town Law shall be complied with. When a license shall be revoked, no refund of the license fee shall be made. Notice of such revocation and the reason therefore shall be served by the town clerk in writing upon the person named in the application or by mailing the same to the

address given in the application, and a copy of such notice shall be filed with the town clerk. (LL No. 8, 2001 § 11)

5.12.120 Display of license.

Every licensee, as well as every person holding a license under the provision of Section 32 of the General Business Law, shall, while engaged in hawking, peddling or soliciting within the town, carry his or her license upon his or her person and shall produce and exhibit the same upon demand of any police officer, or any town officer, employee or resident. The refusal of any such person to produce a license upon demand shall be presumptive evidence of a violation of this chapter. (LL No. 8, 2001 § 12)

5.12.130 Additional violations.

In addition to other provisions of this chapter, it shall also be a violation of this chapter for a licensee or his employee, contractor, agent or other representative:

A. To falsely or fraudulently represent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions or merchandise;

B. To blow a horn, ring a bell or use any other noise device to attract public attention to his or her wares, or shout or cry out his or her wares. However, a circus or exhibition may reasonably so advertise on the premises designated for the holding of such circus or exhibition provided such advertising complies with all laws, rules and regulations governing such activity;

C. Not stand or be allowed to permit to stand in any one place in any public street for more than ten (10) minutes, or on any premises for any time if the owner or lessee of the property objects;

5.12.130

D. To sell any confectionery or ice cream within two hundred fifty (250) feet of any school between the hours of eight (8) o'clock a.m. or four (4) o'clock p.m. on school days;

E. To create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise;

F. To perform the licensed activities in a public right-of-way without the expressed written consent of the authority having jurisdiction over such public right-of-way.
(LL No. 8, 2001 § 13)